

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:18cr15-MOC-DCK-1

UNITED STATES OF AMERICA)	
)	FINAL ORDER AND JUDGMENT
v.)	CONFIRMING FORFEITURE
)	
LARRY ALLEN ELKINS, JR.)	

Upon Motion of the United States for a Final Order and Judgment of Forfeiture, THE COURT HEREBY GRANTS THE MOTION AND FINDS AS FOLLOWS:

Defendant has consented to an Order of Forfeiture of the following vehicle seized from defendant during his apprehension¹:

A 2006 Mercedes, model CLS500C, 4-door automobile, VIN number WDDDJ75XX6A063001 seized during the investigation.

From March 22, 2018, through April 20, 2018, the United States published, via www.forfeiture.gov, notice of this forfeiture and of the intent of the Government to dispose of the forfeited property according to law, and notice to all third parties of their right to petition the Court within sixty days of March 22, 2018, for a hearing to adjudicate the validity of any alleged legal interest in the property. (Doc. 21). The United States also sent direct notice to individuals who reasonably appeared to be potential claimants of the property. (Docs. 22 and 34).

On September 21, 2018, Keenan Patrick Horton (“Petitioner”) filed a Claim asserting an interest in the 2006 Mercedes CLS500. (Doc. 32). On January 11, 2019, the United States filed a Motion to Dismiss the Petition of Horton for failure to sign the petition under penalty of

¹ Defendant also consented to forfeiture of currency, firearms, and another vehicle, but petitions were not timely filed for those properties so they are already finally forfeited by operation of law (Doc. 35) pursuant to FED. R. CRIM. P. 32.2(c)(2).

perjury. (Doc. 38). On January 14, 2019, this Court denied the United States' Motion and ordered Petitioner Horton to file an amended petition under penalty of perjury within fourteen days of the Order. (Doc. 39). After more than 14 days elapsed, on March 29, 2019, the United States filed a Renewed Motion to Strike and Dismiss Horton's Petition. (Doc. 41). On April 5, 2019, this Court granted the United States' Motion to Dismiss Horton's Petition without prejudice. (Doc. 42). No other petitions have been filed and the time for filing petitions has expired.

Based on the foregoing record, issuance of a Final Order is now appropriate.

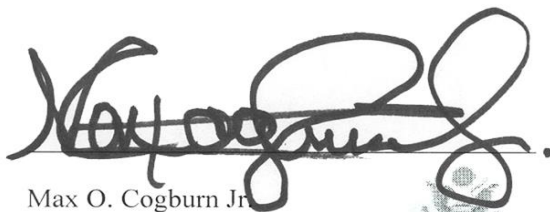
It is, therefore, ORDERED that:

In accordance with Rule 32.2(c)(2), the Order of Forfeiture is confirmed as final. All right, title, and interest in the entirety of the following property seized from Defendant is forfeited to the United States for disposition according to law and the United States shall have clear title to the property as set forth in 21 U.S.C. § 853(n):

A 2006 Mercedes, model CLS500C, 4-door automobile, VIN number WDDDJ75XX6A063001 seized during the investigation.

SO ORDERED.

Signed: May 9, 2019


Max O. Cogburn Jr.
United States District Judge